

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-40344 of 2019
Date of Decision: 14.10.2019

Kuldeep

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 174 dated 24.06.2019 registered for offences punishable under Sections 148, 149, 323, 324 and 506 of Indian Penal Code (for short, "IPC") at Police Station Kalayat, District Kaithal. (Offences punishable under Sections 325 and 307 IPC were added later on).

Heard.

Notice of motion.

On asking of the Court, Ms. Dimple Jain, A.A.G. Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

As per case of prosecution, the occurrence took place on 24.06.2019. FIR was registered on the statement of Chandi Ram, wherein he has stated that a minor scuffle took place due to collusion of tractor-trolleys of Jaimal Singh and Kuldeep. The matter was, however, resolved with the

intervention of villagers. Kuldeep parked his tractor at a distance of 1 *killa* and came to the spot on motorcycle with Butta Singh, Vikram and Bablu and caused injuries to Jaimal Singh and his son Shakti.

Learned State counsel while opposing grant of bail to petitioner submits that the petitioner has been attributed injuries on nose and arm of Jaimal Singh. The case is still under investigation and challan has not been presented so far.

Learned counsel for the petitioner submits that as per case of prosecution, the petitioner was armed with *gandasi* but the injuries on the person of Jaimal Singh were caused by blunt weapon. It is a case of cross-version and two persons on the side of petitioner have also suffered injuries. Co-accused, namely, Bhan Singh, who has been attributed grievous injuries on the person of Jaimal Singh has been allowed regular bail by this Court vide order dated 25.09.2019 passed in CRM-M-39811-2019.

The petitioner was arrested in this case on 31.08.2019. The matter is still under investigation and challan has not been filed in this case.

Without expressing any opinion on merits of the case and keeping in view the nature of injury attributed to petitioner and the fact that completion of investigation, thereafter presentation of challan and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Kuldeep is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

October 25, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No